

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

ROBERT PHAROAH HOWARD, a.k.a.)	
ABDUL HAMZA WALI MUHAMMAD,)	CASE NO. 7:18CV00068
)	
Plaintiff,)	
v.)	MEMORANDUM OPINION
)	
)	
D. STIDHAM, <u>ET AL.</u>,)	By: Glen E. Conrad
)	Senior United States District Judge
Defendants.)	

The plaintiff, Robert Pharoah Howard, also known as Abdul Hamza Wali Muhammad (“Howard”), a Virginia inmate proceeding pro se, filed this civil rights action under 42 U.S.C. § 1983, alleging claims arising from a use of force incident at Red Onion State Prison (“Red Onion”). The defendants have filed a motion for summary judgment, and Howard has responded. In a recent letter, however, Howard notified the court of his transfer to Wallens Ridge State Prison (“Wallens Ridge”) and attempts to raise new claims. He alleges that upon his arrival on October 4, 2018, officers threatened him with physical violence for requesting an informal complaint form. He also states that he fears Wallens Ridge officials will attack him, because “they have a history of beating up prisoners, even letting prisoners rape and kill their cell mates if a prisoner files paperwork against them.” Mot. 2, ECF No. 35. Howard also complains that Wallens Ridge officials have not provided him with proper bedding and are withholding items of his personal property. Based on these allegations, Howard asks the court to enjoin Wallens Ridge officials from violating his constitutional rights.

The court concludes that, liberally construed, Howard’s submission seeks interlocutory injunctive relief to protect him from harm at Wallens Ridge. The defendants in this civil action, however, are officials at Red Onion and played no part in the problems at issue in Howard’s

motion. Accordingly, the court will dismiss the motion without prejudice in this case. However, the court will direct the clerk to file the motion as a new and separate civil action. An appropriate order will issue this day.

The Clerk is directed to send copies of this memorandum opinion and accompanying order to plaintiff.

ENTER: This 12th day of October, 2018.



Senior United States District Judge